Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

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Project Title & No. Righetti Brothers Tract Map and Conditional Use Permit ED09-127 (SUB2008-00050/TR3004)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☒ Recreation
☒ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☒ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☒ Cultural Resources	☒ Public Services/Utilities	☒ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Stephanie Fuhs — Stephanie Fuhs — 6/10/10
Prepared by (Print) — Signature — Date

Steven McMasters — Ellen Carroll, Environmental Coordinator (for) — 6/10/10
Reviewed by (Print) — Signature — Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Righetti Brothers, LLC, for a Vesting Tentative Tract Map (Tract 3004)/Conditional Use Permit (SUB 2008-00050), for a major agricultural cluster project, to subdivide an existing approximately 199 acre parcel into six residential parcels ranging in size from 1.08 to 2.47 acres, and one agriculture/open space parcel of 191.1 acres. The project includes off-site road improvements totaling .38 acres of site disturbance. Additional on-site improvements will result in the disturbance of approximately 10 acres of the 199 acre project area due to grading and construction for residential lots, road improvements, utility, water, and drainage improvements, and onsite wastewater management and water storage. The project is located on the north side of Orcutt Road, .75 miles east of the Orcutt/Tank Farm Road intersection, approximately 3,000 feet east of the City Limits of San Luis Obispo, in the San Luis Obispo planning area.

The proposed project would allow for the construction of six primary residences to be located within designated building envelopes, with no secondary dwellings allowed per the Agriculture Cluster Subdivision standards contained in Land Use Ordinance Section 22.22.152. Residential and agricultural accessory structures allowable in the Agriculture land use category could also be constructed on the residential parcels. Development on the agriculture/open space parcel would be limited to a ranch headquarters which can include two primary residences, qualifying farm support quarters and agricultural accessory structures.

Due to uncertainty of the availability of water resources based on numerous observations from neighboring property owners as well as other potentially significant impacts, the applicant agreed to have an EIR prepared to address these issues.

ASSESSOR PARCEL NUMBER(S): 044-051-028

Latitude: 35°14'50.237"N Longitude: 120°36'4.807"W SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Airport Review

EXISTING USES: Agricultural uses (vineyard, avocado orchard)

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Grasses, orchards, vineyards, scattered oaks , riparian vegetation along creeks

PARCEL SIZE: 199+/- acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; undeveloped,blue line creek	*East:* Agriculture; agricultural uses, single-family residence(s)
South: Agriculture; agricultural uses, single-family residence(s) blue line creek	*West:* Agriculture;undeveloped, blue line creek

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses cannot be minimized to less than significant levels with the information currenly available, therefore the applicant has agreed to have an Environmental Impact Report prepared to address those issues that may be considered significant.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1.	**AESTHETICS** - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Create an aesthetically incompatible site open to public view?***	☐	☒	☐	☐
b)	***Introduce a use within a scenic view open to public view?***	☐	☒	☐	☐
c)	***Change the visual character of an area?***	☐	☒	☐	☐
d)	***Create glare or night lighting, which may affect surrounding areas?***	☐	☒	☐	☐
e)	***Impact unique geological or physical features?***	☐	☐	☒	☐
f)	***Other:_____***	☐	☐	☐	☐

Setting. The project site is located on the northern side of Orcutt Road approximately ¾ mile east of the City of San Luis Obispo. The area is characterized by primarily agricultural production crops and facilities, rangeland, wineries, and scattered residences. The topography of the valley is gently to moderately sloping hills cut by creek tributaries, and is bordered to the north by the East Cuesta Ridge mountain range. Public roadways in the area include Orcutt Road and Tank Farm Road. The project site consists of rolling topography divided by creeks. Unpaved agricultural roads provide access to the existing vineyard and avocado orchard. No structural development exists on the project site. The area proposed for future residential development is above the 400-foot elevation line which is within the Highway Corridor Designation (HCD). The Land Use Ordinance (LUO) identifies standards to minimize adverse visual effects of projects located within the HCD.

The San Luis Obispo County Design Guidelines document consists of "design objectives, guidelines and examples that will help retain and enhance the unique character of the unincorporated communities and rural areas of San Luis Obispo County". The following design objectives apply to the project site:

RU-1 New residential subdivisions should locate building envelopes where the visibility of new buildings from public roadways and adjoining properties will be minimized.

RU-2: Building form and roof design should further enhance the rural character of the area.

a. Building styles. Building styles or forms that 1) appear to mimic the surrounding topography, or, 2) evoke the traditional farm or ranch house style are highly encouraged. Box-like or square buildings that have little relation to the surrounding topography or historic use of the area are discouraged.

b. Roof design. Hip roofs and staggered or overlapping roofs are encouraged as a means to blend the building into the surrounding landscape.

RU-6: Water tanks should be located or painted to reduce their visibility.

RU-7: Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

In addition, the Land Use Ordinance provides standards for development within the Highway Corridor and Sensitive Resource Area, including using topographic features to minimize visual impacts, reducing the amount of grading necessary and limiting site disturbance on slopes greater than 20 percent, placing a 25 foot height limit on new structures, and providing natural colors and landscaping to screen development from the most sensitive viewsheds.

A project referral was submitted to the City of San Luis Obispo Community Development Department. The City recommended that residences be designed to minimize visibility and that native plants be used for landscaping instead of non-native varieties.

Impact. The applicant proposes to subdivide the project site into six clustered residential parcels and one agriculture/open space parcel. A 9,000 square foot building envelope is proposed on each residential parcel. Additional improvements include an approximately ¾ mile unnamed access road from Orcutt Road to the residential parcels (a portion of which is existing to access the State Water Project maintenance building), a secondary access road utilizing existing agricultural roads, and a 20-25 foot tall water tank and pump. The project site is visible from Orcutt Road, however, the proposed residential parcels are located towards the rear of the site behind an existing knoll.

No specific development plans for the residential parcels are part of the project application because the parcels are going to be sold for individual development. Therefore, staff's review used the standards set forth in the Land Use Ordinance, as stated above in the Setting section.

Viewing the site traveling north on Orcutt Road, the residential parcels are not visible due to an existing knoll located in front of the parcels. From the southeastern border of the City of San Luis Obispo, the parcels are visible from Orcutt Road. The views are distant (over ¾ mile) and are not in the primary cone of vision, therefore, the impacts are not considered significant. The residential parcels are also located over ½ mile from Orcutt Road.

Implementation of the project would introduce additional sources of exterior lighting. Existing LUO standards require shielded lighting, dark-colored lighting poles, fixtures and hoods, and lighting directed towards the ground.

Development of the proposed project would not adversely affect the agricultural character or quality of the project site or vicinity, based on design controls, landscape screening, the preservation of 95 percent of the overall project site, and the limited number of homes that would be visible.

Conclusion/Action Required. Highway corridor standards and Sensitive Resource Area standards contained in the Land Use Ordinance should be applied to the residential development of the project. These standards, along with requirements for dark, natural colors for the proposed residences and native landscaping will reduce visual impacts to an insignificant level. The standards from the Design Guidelines and Land Use Ordinance should be summarized in the EIR.

2. AGRICULTURAL RESOURCES *- Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Convert prime agricultural land to non-agricultural use?*	☐	☐	☒	☐
b) *Impair agricultural use of other property or result in conversion to other uses?*	☒	☐	☐	☐
c) *Conflict with existing zoning or Williamson Act program?*	☐	☐	☒	☐
d) *Other:* _____	☐	☐	☐	☐

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Vineyards, avocado orchard

State Classification: Not prime farmland

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include: *[list soil types]*
Los Osos-Diablo complex (5 - 9% slope).

Los Osos. This gently sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: depth to bedrock, slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Diablo. This gently sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Los Osos-Diablo complex (9 - 15% slope).

Los Osos. This moderately sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: depth to bedrock, slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Diablo. This moderately sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Salinas silty clay loam (0 - 2 % slope). This nearly level fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class I when irrigated.

The project site is located within the Agriculture land use category. There are two wells on the project site that provide water supply to the existing agricultural operation. There are three wells located on the adjacent 500-acre ranch owned by the applicant that are proposed to serve the residential

parcels. The project site has historically supported approximately 43 acres of avocados and 54 acres of vineyard. The project site is not under a Williamson Act contract or within an agricultural preserve.

Policies contained within the Agriculture and Open Space Element of the General Plan encourage cluster subdivisions in the Agriculture land use category when the result is protection of agricultural operations. Other policies include: Right-to-Farm provisions, residential density, protection of water supplies to serve agricultural production, water conservation, agricultural buffers on residential parcels to reduce inconsistencies between agricultural operations and residential uses, agricultural preserves and land conservation contracts, and agricultural land division implementation strategies. The project site contains streams and riparian corridors which also require protection from intensified uses (discussed in more detail in the Biological Resources section below).

Impact. The applicant proposes an agricultural cluster including six clustered lots, one agriculture/open space parcel. Pursuant to the LUO, the agricultural parcels would be placed under Williamson Act Contract and placed in an agricultural preserve prior to recordation of the final map.

The applicant's original proposed project included eight residential lots and two agricultural lots. Proposed agricultural buffers were located on the agricultural/open space parcels. Upon review of the originally-proposed project, staff determined that the project would result in potentially significant impacts to agricultural resources. Concerns included: creating incompatible uses due to inadequate buffers between the residential use and agricultural use; devoting more than five percent of the site to non-agricultural uses including the residential access road; and inconsistency with density allowances provided in the Land Use Ordinance and County Agriculture Element. Many impacts can be mitigated by the revised project, which includes the following: minimum 200-foot buffer between uses; devoting no more than five percent of the site to residential use; one agricultural parcel; and providing a project that meets the residential density standards set forth in the LUO and Agriculture Element.

Additional concerns, which are addressed further in Section 14 (Water) of this document, included whether the site could be sustainably irrigated, because the applicant proposed to qualify for the cluster based on the site's land capability. Based on review of reports submitted by the applicant's hydrogeological consultant, a peer review of the documents was needed in order to establish if the proposed on and off site wells can sustainably provide irrigation water supporting 147 acres of crops and serve the proposed project, with less than significant interference between wells (refer to Section 14, Water). The applicant chose to have an Environmental Impact Report prepared to have this issue reviewed in further detail.

The applicant subsequently revised the project as proposed: 200-foot buffers on each residential lot from the existing and proposed agricultural operations on the site; 75-foot buffers from the adjacent properties, elimination of two residential lots, for a total of six residential lots, reducing the number of agriculture/open space parcels from two to one, and no more than five percent of the site dedicated to residential use.

Based on review of the revised project, the Agriculture Department recommended that the environmental review address the following issues: the history of agricultural production on the site; review the temporary and permanent impacts to agricultural resources from all portions of the proposed residential development; water resources to supply the existing and expanded agricultural operation on the property as well as the proposed residential development and impacts to downstream users within the watershed; provide measures to reduce the incompatibilities between the residential use and agricultural use; and alternatives to the currently proposed project.

Conclusion/Action Required. Based on the comments received from the Agricultural Commissioners office, the following information should be reviewed and addressed as part of the Environmental Impact Report:

1. History of agricultural production on the project site, which includes the date the vineyard and orchards were established, the amount of water needed currently to support the crops; the estimated amount of water needed for the crops at maturity; the water needed to support approximately 57 additional acres of irrigated cropland; and the current and proposed water supply system.
2. Quantification of all temporary and permanent impacts to farmland from the residential development of the project (including site disturbance outside of the residential parcels, road improvements, drainage basins, etc).
3. Water resources: bringing water from adjoining properties to serve the residential development, supporting future agricultural operation expansion with off-site wells, impacts to downstream water users within the watershed, measures needed to ensure water resources are available for the protected agricultural parcel, impacts to existing agricultural operations with installation of water lines from the wells to the residential parcels.
4. Identification of measures to reduce incompatibilities between the residential development and agricultural operations, both on and off the project site.
5. Provide alternatives to the current project proposal which could include providing a larger project site that includes the water supply proposed to serve the residential parcels, providing a residential well on the project site to serve the residential uses, a conventional subdivision showing a minimum of 40 acres of irrigated crops on each parcel.

3. AIR QUALITY - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☐	☒	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐
c) Create or subject individuals to objectionable odors?	☐	☒	☐	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☒	☐	☐
e) Other: cumulative (dust, emissions)	☐	☒	☐	☐

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project proposes to disturb soils that have been given a wind erodibility rating of 6-7, which is considered "moderate" to "high". The residential parcels are within the moderately erodible soils, the soil with the designation "high" contains the proposed emergency access road.

The proposed project was referred to the County APCD for review. The APCD noted that their agency is "very concerned with the cumulative effects resulting from the ongoing fracturing of agricultural land and increasing residential development in areas far removed from commercial services and employment centers. This kind of rural development fosters continued dependency of the personal automobile and adds strain to limited infrastructure and natural resources and hampers efforts to reduce fossil fuel consumption and associated greenhouse gas emissions that are needed to attain the goals of AB 32 California's Global Warming Solutions Act of 2006". The APCD considers this type of project inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), because the CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture, and very low-density residential development (minimum 20-acre parcels). The APCD notes that they do not support the project. The APCD noted the following issues: construction phase impacts, naturally occurring asbestos, developmental burning, dust control measures, and greenhouse gas emissions.

Impact. As proposed, the overall project, including infrastructure and residential development will result in the disturbance of approximately 10.4 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will generate the following amounts of air pollution during construction:

Project Impacts	Reactive Organic Gasses + Nitrogen Oxides		Fugitive Particulate Matter		Diesel Particulate Matter		Carbon Monoxide
	lbs/day	tons	lbs/day	tons	lbs/day	tons/qtr	lbs/day
Construction	**0**	**0**	**NA**	**2.6**	**0**	**0**	
Thresholds	137	2.5 tons/qtr	NA	0.75 tons/acre/ month or 4 acres	7	0.13 (Tier 1) 0.32 (Tier 2)	NA
Operations	**2.848101**	**0.57544757**		—			—
Thresholds	25	25 tons/year	25	25 tons/year	1.25	NA	550

CONSTRUCTION

Based on APCD's CEQA Handbook (2009), due to the project resulting in 4 acres (or more) of disturbance, sufficient fugitive dust will be generated during construction to warrant incorporation of dust control measures.

OPERATIONS

The proposed small number of residences resulting from this subdivision will not exceed any of the 'Operations' threshold established by APCD and will therefore not have any significant long-term emission impacts.

Conclusion/Action Required. The individual project will not result in significant air quality impacts, but cumulatively contributes to the overall issue of non-attainment of statewide air quality standards with regard to dust, potential naturally occurring asbestos and greenhouse gas emissions. The EIR should include the mitigation measures proposed by the Air Pollution Control District.

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) ***Result in a loss of unique or special status species or their habitats?***	☒	☐	☐	☐
b) ***Reduce the extent, diversity or quality of native or other important vegetation?***	☐	☒	☐	☐
c) ***Impact wetland or riparian habitat?***	☒	☐	☐	☐
d) ***Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?***	☐	☒	☐	☐
e) ***Other:*** _____	☐	☐	☐	☐

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: grassland with scattered trees, riparian along creeks, vineyard and avocado orchard

Name and distance from blue line creek(s): Unnamed tributary of San Luis Obispo Creek onsite.

Habitat(s): Non-native grasslands.

Site's tree canopy coverage: Approximately 1% or less.

The project is within 0.63 miles of a serpentine outcrop area. Serpentine soils are known to support several rare and endangered plants.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation:

Cambria morning glory *(Calystegia subacaulis* ssp. *episcopalis)* has been found about onsite. This perennial herb is a California and a San Luis Obispo County endemic, which is found in chaparral and foothill woodland communities at elevations between 60 and 500 meters (200 to 1,640 feet). This species blooms from April to May. Cambria morning glory is listed as rare by the CNPS (List 1B, RED 3-2-3).

Chorro Creek bog thistle *(Cirsium fontinale var. obispoense)*, a San Luis Obispo County endemic, has been found about 0.3 miles to the north. This species occurs primarily in association with serpentine seeps located in chaparral and cismontane woodland communities at elevations between 35 and 365 meters (115 to 1,200 feet). This fairly tall (to 6.5 feet) perennial herb blooms primarily from February to July. The CNPS considers this species as rare (List 1B, RED 3-2-3). It is listed as both state and federally endangered.

Dune larkspur *(Delphinium parryi ssp. blochmaniae)* has been found about 0.3 miles to the north. This perennial herb is found within maritime chaparral and coastal dune habitats (Tibor 2001). The

typical flowering period is April through May. The species grows from sea level to 200 meters (660 feet). The dune larkspur is a federal species of concern and the CNPS considers this plant to be rare, threatened, or endangered in California and elsewhere (List 1B, RED 3-2-3).

Dwarf soaproot (*Chlorogalum pomeridianum* var. *minus*) has been found about 0.7 miles to the north east. This perennial herb is generally found on serpentinite soils in chaparral areas at elevations ranging from 305 to 1000 meters (1,000 to 3,280 feet). It has a blooming period of May-August. Dwarf soaproot is considered rare by CNPS (List 1B, RED 2-2-3).

Obispo Indian paintbrush *(Castilleja densiflora ssp. obispoensis)* has been found onsite. This annual herb is found in valley and foothill grasslands at elevations between 10 to 400 meters (30 to 1,315 feet). The blooming period is April. Obispo Indian paintbrush is considered rare by CNPS (List 1B, RED 2-2-3).

San Luis Obispo dudleya (*Dudleya abramsii* ssp. *murina*) has been found about 0.56 miles to the north east. This succulent shrub is generally found on serpentinite soils in chaparral and foothill woodland habitats between the 90 and 300-meter elevations (295 to 985 feet). It blooms from May to June. The CNPS considers this species to be rare (List 1B, RED 2-1-3).

San Luis or La Panza mariposa lily *(Calochortus obispoensis)* has been found about 0.56 miles to the north east. This perennial herb is endemic to San Luis Obispo County, ranging from Cuesta Pass, south to Arroyo Grande. The San Luis mariposa lily is found on dry, serpentine soils in chaparral, coastal scrub, grassland, and freshwater seep habitats between the 75 and 730-meter elevations (250 to 2,400 feet). This species blooms from May to July. The California Native Plant Society (CNPS) considers this species rare (List 1B, RED 2-2-3).

Southwestern pond turtle *(Emys (or Clemmys) marmorata pallida)* has been found about 0.38 miles to the west/ south west. Southwestern pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally. They occur in ponds, streams, lakes, ditches, and marshes. The species prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging.

Impact. The applicant submitted a Biological Report, wetland delineation and protocol survey for California Red-Legged Frog (Althouse and Meade, December 2008, December 2008 and July 2009, respectively). Site surveys were conducted on May 25, June 2, June 27 and July 25, 2005, and August 26 and December 2, 2008. Based on the biological report, the project site supports the following habitat types: California annual grassland, Riparian, Wetland, and Ruderal. Approximately ½ of the site currently supports on-going agricultural crop production of vineyard and avocados. The site contains federal wetlands on the southern portion of the site and a state wetland located on proposed Parcel 5. The report notes four areas of Cambria Morning Glory and one area of Indian Paintbrush, both special status plants. Two special status bird species, the California Horned Lark and Loggerhead Shrike were observed during the initial survey in July 2005.

Upon review of the biological report by the US Fish and Wildlife Service, it was recommended that a California Red Legged Frog survey be completed in order to determine if the species occurs on the site. This report was completed in July 2009 (with surveys in May and July) and did not find any red-legged frogs even though suitable habitat exists on the property.

The County's staff biologist reviewed the biological report, wetland delineation and California Red-Legged Frog survey (March 23, 2009 memo). Additional information was requested concerning the wetland delineation, access roads, impacts to riparian vegetation and on-site mitigation areas. These items shall be reviewed in further detail as part of the Environmental Impact Report process.

Impacts to riparian vegetation and drainage courses and federal and state wetlands could occur with road improvements and residential development. The proposed residential parcels have designated building envelopes located away from the creeks and riparian vegetation, with the exception of the designated state wetland on proposed Parcel 5. The agriculture/open space parcel could be developed with a ranch headquarters containing two primary dwellings, additional qualifying farm support quarters and agricultural accessory structures per Land Use Ordinance standards. No building envelope has been designated on this parcel, therefore, removal of Cambria Morning Glory and Indian Paintbrush as well as impacts to Federal Wetlands could occur depending upon placement of allowable structures. Road and utility improvements could impact grassland habitat, riparian vegetation and drainage courses on the property.

Mitigation/Action Required. The Environmental Impact Report should focus on the reports submitted by the applicant and should be reviewed by a qualified biologist to determine if the reports are adequate and if recommended mitigation measures appropriately address potential impacts of the project. The biological resource review should include, but not be limited to, the following:

1. Consultation with the State Department of Fish and Game and the United States Fish and Wildlife Service as necessary.
2. Consultation with the California Native Plant Society, the Audubon Society, and other conservation organizations as appropriate.
3. Identification of short-term and long-term impacts on rare, threatened, and/or endangered species and species habitat, and federal and state wetlands.
4. Identification of cumulative impacts on the area's ecosystem, which could result from the project, including all improvements both on and off-site.
5. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential adverse biological impacts to less than significant levels.
6. Response to comments included in the Environmental and Resource Management Division memo dated March 23, 2009.

5. CULTURAL RESOURCES - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other:_____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Chumash One archaeological report has been prepared within ¼ mile of the subject property with positive results The project is within 300 feet of a blue line creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

Impact. A cultural resources and surface survey was completed for 85 acres of the project site, including the areas proposed for disturbance: the residential parcels, access roads, utilities (C.A. Singer and Associates, August 2005). No evidence of cultural resources was found. In addition, portions of the site may have been surveyed and monitored during construction of the State Water Project on and near the subject property.

Conclusion/Action required .While it does not appear that the project will not cause impacts to cultural resources, the EIR should include a peer review of the previous surface survey, and any pertinent State Water Project reports. The results of the surveys should be summarized in the report and any pertinent findings or recommendations should be included. If data gaps are identified, the EIR should include the necessary field work and or analysis to fill those data gaps. The EIR should also include a summary of the Land Use Ordinance standards should resources be encountered during site disturbance and construction.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☒	☐	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☐	☒	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☒	☐	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☐	☒
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
*j) Other:*_____	☐	☐	☐	☐

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: High to low

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: Yes Distance? 1.01 miles

Area known to contain serpentine or ultramafic rock or soils?: Potentially

Shrink/Swell potential of soil: Moderate

Other notable geologic features? None

The project is within a high liquefaction area, and is subject to the preparation of a geological report per the County's Land Use Ordinance [LUO section 22.14.070 (c)] to evaluate the area's geological stability.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Onsite Distance? On-site

Soil drainage characteristics: Not well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Moderate

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 10.4 acres. Because of the high landslide risk and moderate shrink/swell potential of the soil, structural development on the residential parcels could be compromised without proper measures to stabilize future construction. The site is also located in an area that could potentially contain naturally occurring asbestos and is near an active fault line so the soil disturbance could result in releasing particulate matter containing asbestos into the air.

Conclusion/Action required. The EIR shall include analysis by a Registered Engineering Geologist to consider the following when evaluating the project's potentially significant impacts to or from geological resources:

1. Consultation with the County Public Works Department, the County Department of Planning and Building, reference to the San Luis Obispo County Land Use Ordinance (including the Safety Element) and County GIS mapping.
2. Incorporate at a minimum the following project setting components:
   a. Underlying formations
   b. Faulting
   c. Slope stability
   d. Potential landslide hazards
   f. Soil boring to determine if naturally occurring asbestos is present on site.
3. Mapping of significant areas that pose geologic hazards.
4. Evaluation and discussion of the geologic features of the site and surrounding area that may have a significant adverse impact on the development of the project.
5. Evaluation and discussion of impacts associated with topographical alteration (or saturation of soil, as applicable) including stability of roads, cut slopes, fill slopes, drainage structures, and other improvements.
6. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts related to geologic hazards or topographic alteration.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☐	☒	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☒	☐	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☒	☐	☐
e) Create any other health hazard or potential hazard?	☒	☐	☐	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project site is located within an area historically and currently used for agricultural crop production. Standard, legal pesticides and fertilizers have been used onsite, and would continue to be applied at the discretion of the agriculture operator. The project is not located in an area of known hazardous material contamination. With regards to potential fire hazards, the subject project is within the moderate Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 10-20 minutes to respond to a call regarding fire or life safety.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The referral response from CalFire determined that the proposed secondary access road would meet fire regulations The project is not expected to conflict with any regional evacuation plan.

The impacts of pesticide use on humans varies greatly based on the type of pesticide and the amount of exposure. Due to the close proximity of the homesites to the vineyard and avocado grove, human exposure to a variety of pesticides would be possible.

Conclusion/Action required. The project does not cause a significant impact with regard to fire safety, however the Environmental Impact Report shall discuss methods for reducing residents exposure to pesticide residue.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☒	☐	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The site is located in close proximity to the Central Coast Water Authority Energy Dissipation Vault Facility (EDV). This facility can produce large amounts of noise from valve adjustments, generators and pipeline vibrations. A referral response from the Central Coast Water Authority recommended a sound/noise impact study to evaluate the existing facility operation and the impacts to future residential development located in close proximity to the facility.

The project is within the Airport Review designation and the area is subject to relatively low aircraft flyovers.

Impact. Current construction standards will reduce indoor noise levels associated with aircraft noise to an insignificant level, however additional mitigation may be needed in order to address the impacts associated with the EDV as stated above. Outdoor noise levels may also exceed Noise Element standards.

Conclusion/Action Required. Due to the potential for significant impacts to noise, the EIR shall provide additional analysis of noise impacts accomplished by a qualified person experienced in the field of environmental noise assessment and shall include, but not be limited to, the following:

1. Take measurements to assess the existing background noise levels at appropriate locations on the subject development. Determine a given site and compare them with the anticipated noise levels associated with the proposed project.
2. Prepare a noise monitoring and mitigation plan. The project should be designed to a) minimize noise impacts to sensitive noise receptors (the residences) and limit increases to less than significant levels (no more than a five to 10 dBA increase above ambient levels) and b) not exceed local noise standards.
3. Identification and discussion of significant noise impacts resulting from residential development in close proximity to identified noise sources (the EDV and aircraft), using thresholds based on the adopted noise element of the County General Plan.
4. Recommendation and discussion of adequate and feasible mitigation measures, if any, to minimize potential noise impacts.

9. POPULATION/HOUSING - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee. No mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing in-lieu fee consistent with the applicable fee ordinance. The EIR shall discuss ordinance requirements regarding affordable housing in-lieu fees.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: San Luis Obispo (Kansas Ave.) Approximately 8.2 miles to the north west

Fire: City of San Luis Obispo Hazard Severity: Moderate Response Time: 10-20 minutes

Location: Approximately 1.2 miles to the west

School District: San Luis Coastal Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels. The EIR shall include ordinance requirements for required fee programs for public services.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☒	☐	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☒	☐	☐
c) Other _____	☐	☐	☐	☐

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. Implementation of the proposed parcel map and future build-out and occupation of new residences on one new residential lot would contribute to the local and cumulative demand for recreational resources in San Luis Obispo County.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary. The EIR shall include ordinance standards for payment of parks "in-lieu" fees.

12. TRANSPORTATION/ CIRCULATION - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☒	☐	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. The county has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The project site is accessed from Orcutt Road, a two-lane rural arterial. The existing road network in the area is operating at acceptable levels. The San Luis Obispo Area Circulation Element identifies road improvements for Orcutt Road, including road widening, and incorporation of a Class II bikelane.

A traffic report was prepared (Orosz Engineering, December 2008, amended to address Public Works Department comments July 2009). The report determined that based on line of sight analysis, sight distance is considered acceptable to meet the County's stopping sight distance standards. It was recommended that trees and shrubs near the entrance to the site be trimmed 15-20 feet from Orcutt Road and be no higher than 30 inches above the roadway surface to maintain maximum visibility. It was also recommended that the unpaved entrance between Orcutt Road and the site be paved with asphalt.

Referrals were sent to Public Works/Caltrans. Caltrans did not respond to the referral. Public Works original referral response requested additional information be reviewed and included in the traffic study. Upon review of the revised project and updated traffic study, no significant concerns were noted. Standard off-site road improvements are required. Pursuant to County Resolution 2008-152, A-1 road improvements are required for a length of 300 feet on either side of each entrance road. This standard requires a 40-foot pavement width, including two 12-foot wide travel lanes and 8-foot paved shoulders on each side. The paved shoulders would accommodate a bike lane. Currently, there is a bike lane, but it is not the required 8-feet as required by the County A-1 road standards.

The project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the San Luis Obispo airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure/vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation. Per the ALUP, the proposed use is considered compatible. All projects within the AR designation are required to obtain an avigation easement to secure avigable airspace.

Impact. The proposed project is estimated to generate about 58 trips per day, based on the Institute of Traffic Engineer's manual of 9.6 trips per unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. As discussed in the Biological Resources section (above), required road improvements both on and off-site could impact riparian habitat. Road improvements to Orcutt Road will require four additional feet of shoulder to accommodate the bike lane which will impact an area of vegetation where the creek crosses Orcutt Road. The secondary access road may require extension of existing culverts which may remove small areas of riparian vegetation.

Conclusion/Action Required. Required road improvements could cause removal of riparian habitat. As discussed in the Biological Resources section above, impacts to this habitat need to be evaluated and mitigation measures put in place in order to reduce impacts to a level of insignificance. The EIR shall include a discussion of impacts to riparian vegetation with the construction of road improvements (included under the Biological Resources). The EIR shall also include ordinance measures to address cumulative traffic impacts.

13. WASTEWATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☒	☐	☐	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☒	☐	☐	☐

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to

groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. In this case, the proposed leach lines are located on gentle to moderate slopes. In this case, the proposed leach lines are on or located within close proximity of steep slopes where some potential of effluent daylighting exists. A registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location and depth of the leach lines will have no potential for daylighting of effluent.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch.

-- ***wetness or high groundwater***, where this soil at this location tends to frequently be in a saturated condition due to several possible factors, such as high groundwater or it is in a low lying area that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) where the five feet of soil does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation.

- ***seepage in bottom layer,*** where effluent seeps quickly through (rather than be absorbed by) the soil horizon(s) to a soil layer just above bedrock that is typically in a saturated condition. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) with possible treatment of the soil to insure effluent movement rate through the soil meets basin plan requirements. Special engineering may be required to provide this acceptable percolation rate.

- ***cemented pan,*** where there is thin in an upper soil horizon that may interfere with or intercept effluent percolation and create saturated soil conditions above the impervious layer which may be near the soil surface. When such conditions exist, one of the following is necessary to resolve the potential problem: leach lines must either penetrate or be below the cemented pan, if leach lines above the cemented pan layer, this layer must be removed or permanently modified to allow effluent to percolate through this layer.

The soil has been tested (GeoSolutions, Inc., February 2009) for the following criteria: percolation rates and soil borings of adequate depth to determine the presence/absence of groundwater. The percolation test was reviewed by the Environmental Health Department and it was determined that because the test was performed based on the prior 10-lot subdivision configuration originally submitted, that there was not enough information to be able to determine if basin plan has been or can be met. There are concerns that the "parcel sizes will not meet Central Coast Basin Plan Requirements" and the "ability of the parcels to comply with the RWQCB Prohibition for leachfields where percolation rates are slower than 120 min/inch unless the parcel size is at least two acres."

Mitigation/Action Required. Based on available information and the referral response from the Environmental Health Department, the following information shall be included in the EIR:

1. Additional soil testing for the current subdivision parcel configuration.
2. A Registered Geologist or Certified Engineering Geologist to supervise soil testing.
3. Evaluation of whether the parcels will be able to meet the Central Coast Basin Plan standards and the issues discussed above (shallow depth to bedrock, steep slopes, wetness or high groundwater, seepage in bottom layer, cemented pan).
4. Proposed mitigation measures, as necessary, to ensure that the issues above are not significant and that Basin Plan requirements can be met.

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	☒	☐	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☒	☐	☐	☐
d) Change the quantity or movement of available surface or ground water?	☒	☐	☐	☐
e) Adversely affect community water service provider?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☐

Setting. The project proposes to use off-site wells (on an adjacent parcel owned by the applicant) as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that based on general knowledge of the watershed, there could be issues with both water quality and quantity to serve the existing agricultural operation, potential expansion of the agricultural operation and residential uses on the project site.

Currently, there are complaints with the State Water Resources Control Board regarding the diversion of water by the applicant to a reservoir located on a property adjacent to the project site. One of the wells proposed to serve the residential parcels is located at the base of this reservoir. The two other existing wells proposed to serve the residential parcels are located in the avocado grove and on the southwestern portion of the adjoining parcel.

Domestic and agricultural water source assessments were prepared for the project (Cleath-Harris Geologists, Inc., June 2009). These reports indicate that the three proposed off-site wells are adequate to serve the proposed residential development as well as the existing and expanded agriculture on the property. However, based on Environmental Health Department and Agricultural Commissioners Office review, as well as comments received by neighboring property owners, there are significant concerns about the water availability to serve the proposed development as well as long term impacts to the overall watershed.

Ag Policy 11 from the Agriculture and Open Space Element of the County's General Plan concerns maintaining water supplies for agricultural production and to prevent loss of agricultural operations due to competetion for water resources due to suburban residential development. Review of land divisions must make a finding that the proposed project will not adversely affect water supplies to be used for existing and/or expanded agriculutral operations. Since this project is attempting to qualify for the number of parcels proposed based on soil capability and not existing agricultural operations, the existing water use and potential water use from expanded agricultural use needs to be reviewed in detail.

The topography of the project is gently sloping to moderately sloping. The closest creek from the proposed development is onsite (over 400 feet from the nearest residential parcel to the on-site creek). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor: 1.52168 acre feet/year (AFY);
Outdoor: 4.23 AFY
Total Use: 5.75168 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 10.4 acres. There is a creek on-site, but the parcels are located over 400 feet from the creek.

Conclusion/Action Required. Water availability. Due to potentially significant impacts on water resources, a complete hydro geologic analysis shall be prepared by a certified engineering geologist and shall include, but not be limited to, the following, and these findings shall be included in the EIR:

1. Consultation with the County Public Works Department and/or appropriate County Waterworks District, Central Coast Water Authority and State Water Resources Control Board.
2. Current and future projections of water demand for the project based on the various uses making up the proposed project's water demands.
3. Review of the water reports prepared (Cleath-Harris Geologists, Inc, June 2009) and evaluation and discussion of on site water availability, including:
    a. Feasibility of individual off-site wells, shared wells, or new small water companies to supply proposed water demand.
    b. Sustained pumping capacities of existing on site wells.
    c. Investigation of draw down (if any) of other wells on site and wells on neighboring properties.
4. Evaluation and discussion of the long-term capability of the ground water basin(s) to provide adequate quantities of water, and the potential for subsidence. Discussion should also include the impacts of future expansion of agricultural production on the site.
5. Analysis of potential water quality impacts as a result of increased pumping.
6. Evaluation and discussion of potential impacts on neighboring wells as a result of on site water requirements. This analysis should take into account the cumulative impacts associated with water availability impacts.
7. Discussion of the potential water availability impacts that could occur as a result of increased water use by neighboring properties. Reasons for water use increases could include, but not be limited to, agricultural intensification, expansion of mining activities, and/or urban growth.
8. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts related to groundwater availability.

Water Quality. Due to potentially significant water quality impacts, additional analysis is necessary by a qualified professional and shall include, but not be limited to, the following. and shall be included in the EIR:

1. Consultation with the Regional Water Quality Control Board, Environmental Health Division, County Agricultural Commissioner's Office.
2. Review of the existing water reports and evaluation and discussion of past and present potable water quality in the area of the project site. "Area" will need to be defined as a "study area" by the consultant, and should include groundwater basins supplying adjacent properties as well as municipal water users.
3. Identification and discussion of the potential for potable water contamination to occur as a result of:
   a. Surface water runoff.
   b. Over drafting of aquifer(s).
   c. Intensification of agricultural uses.
   d. Topographical alteration.
   e. Development.
4. Identification of nearby watercourses and their potential to support sensitive aquatic life. Evaluation of project's impacts on surface water quality as it relates to any sensitive resources identified.
5. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts related to water quality.

15. LAND USE - *Will the project:*	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☒	☐	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☐	☒
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☒	☐	☐
d) Be potentially incompatible with surrounding land uses?	☐	☒	☐	☐
e) Other:_____	☐	☐	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Agricultural operations can be incompatible with residential development. In this case, the avocado orchard and vineyard have historically been compatible with adjacent developments, and it is expected that with appropriate buffer zones the land uses can be compatible. Issues related to noise, dust, pesticide use are created when residential uses are introduced in an area primarily devoted to agricultural production.

The County's Land Use Ordinance provides for cluster subdivisions in the Agriculture land use category as a means to preserve agricultural operations while providing development to occur at the same density that could occur with a "traditional" land division. In order to support an agricultural cluster division, findings need to be made that the project will preserve agricultural operations, and that the project has been designed to minimize and avoid impacts to existing and future agriculture both on the site and for adjoining properties through buffers, locating residential development away from agricultural operations, and providing adequate water supplies for existing and future agriculture as well as the proposed residential development. Based on current available information, it is not clear whether there is adequate water to serve the proposal without impacting existing and future agricultural operations in addition to adjacent property owners.

Conclusion/Action Required. The Environmental Impact Report shall include a discussion of measures needed in order to minimize the incompatibilities between the agricultural operations and proposed residential development. These measures need to be consistent with the policies of the Agriculture Element of the General Plan and reduce incompatibilities to an insignificant level.

16. MANDATORY FINDINGS OF SIGNIFICANCE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☒	☐	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Division	**Attached**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Attached**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Game	**Pers. comm..**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☒	CA Department of Transportation	**None**
☐	Community Service District	**Not Applicable**
☒	Other Parks Division	**In File****
☒	Other Central Coast Water Authority, State WaterQuality Control Board	**Attached**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☒ Real Property Division Ordinance
- ☒ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ San Luis Obispo Area Plan and Update EIR
- ☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Biological Report, Althouse and Meade, Inc., July 2005, revised December 2008

Wetland Delineation, Althouse and Meade, Inc., August 2005, revised December 2008

California Red Legged Frog Protocol Survey, July 2009

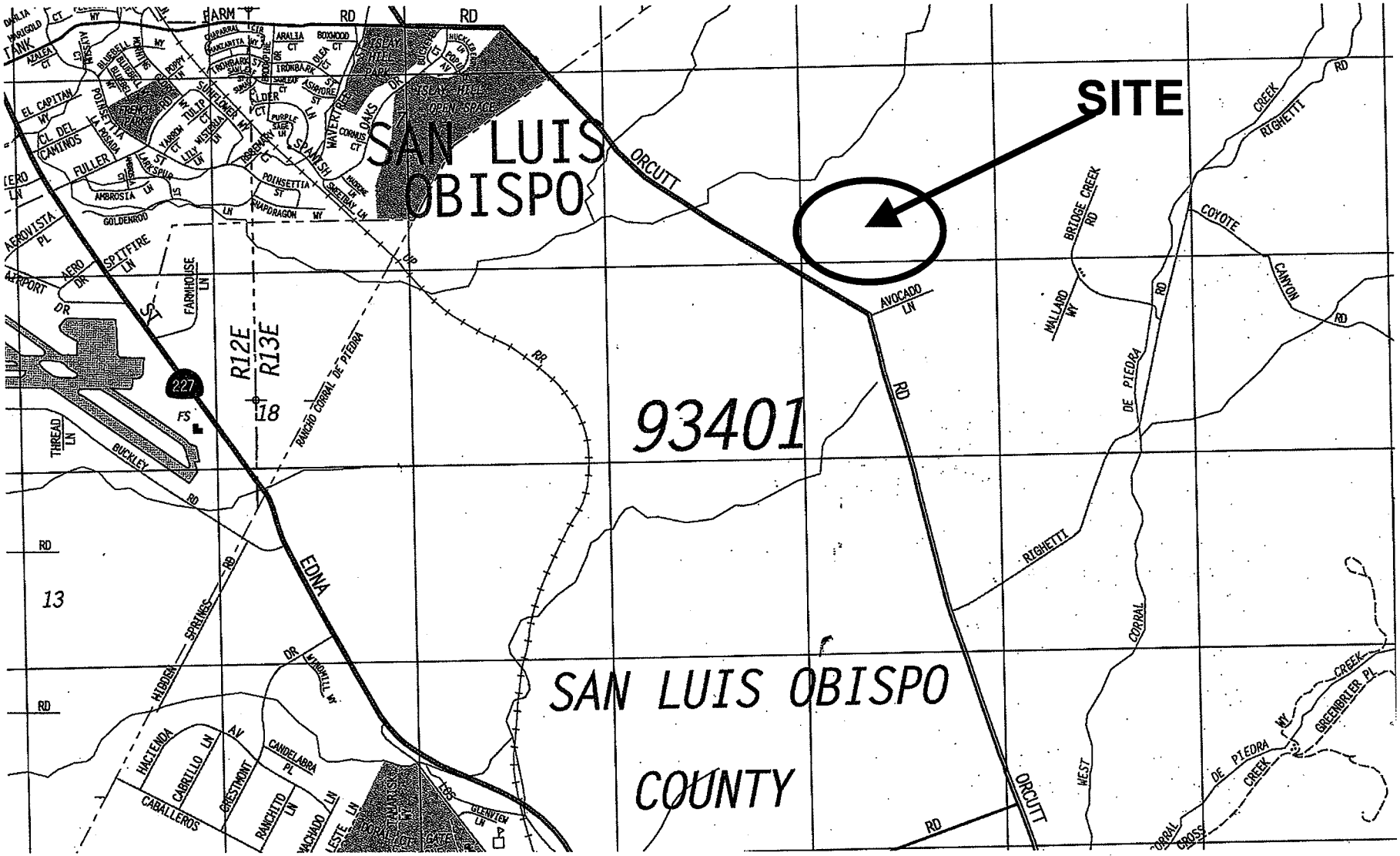
Cultural Resources and Surface Survey, C.A. Singer and Associates, August 2005

Traffic Analysis for the Righetti Ranch Subdivision, Orosz Engineering Group, Inc., July 2009

Domestic Water Source Assessment, Cleath-Harris Geologists, Inc., June 2009

Agricultural Water Source Assessment, Cleath-Harris Geologists, Inc., June 2009

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



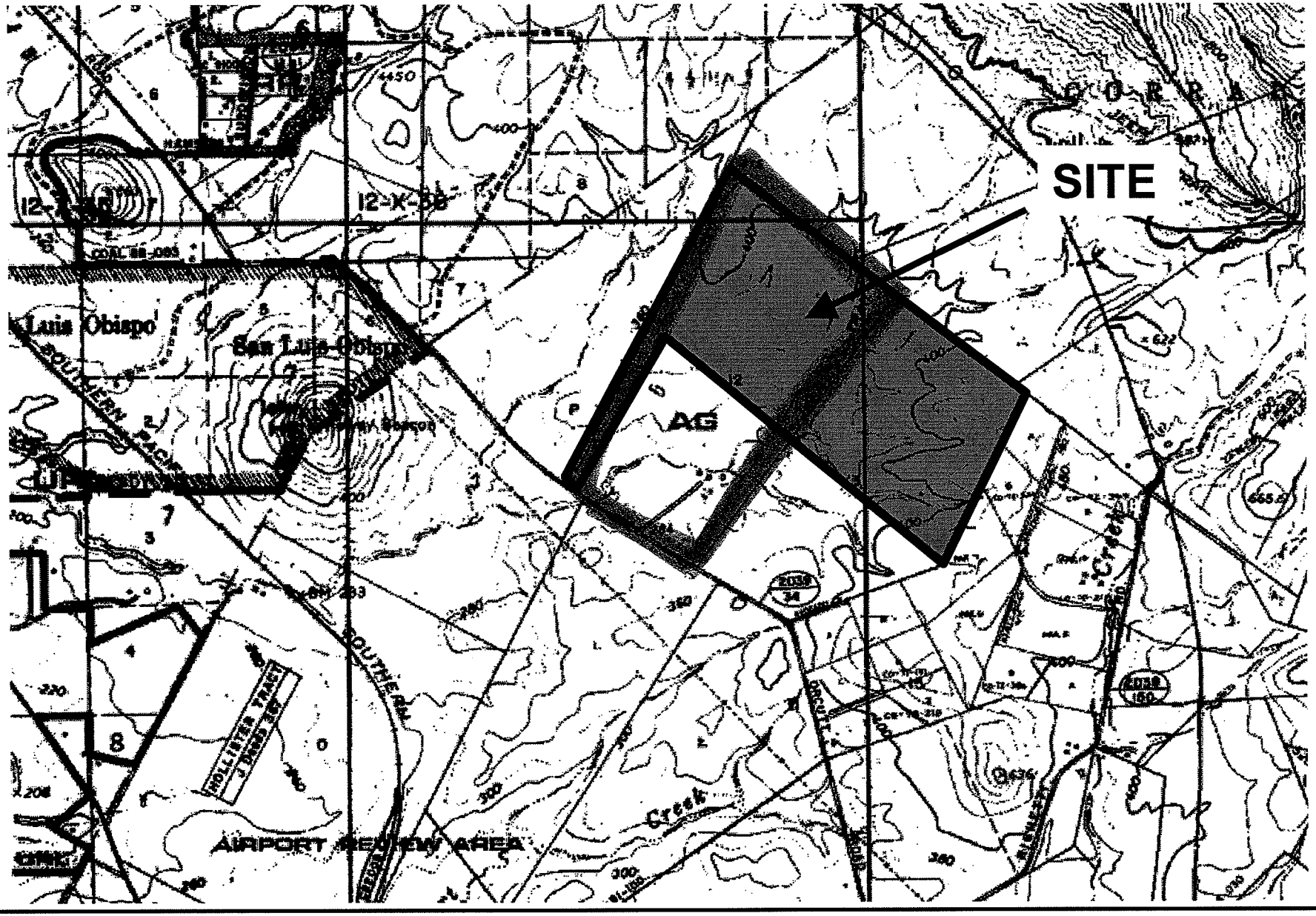
PROJECT

Tract Map/Conditional Use Permit
Righetti Brothers, LLC SUB2008-00050

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map/Conditional Use Permit
Righetti Brothers, LLC SUB2008-00050

EXHIBIT

Land Use Category Map

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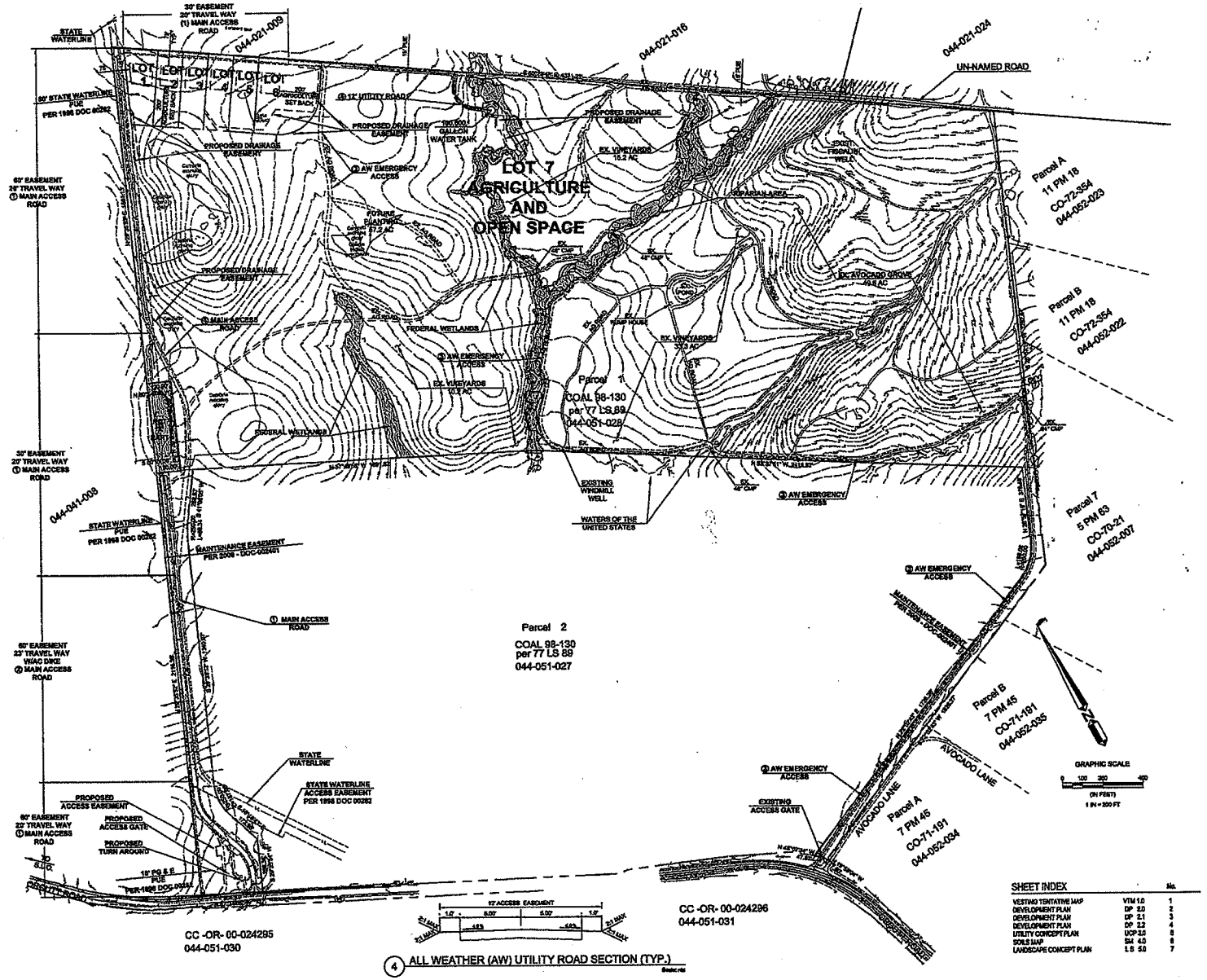

4 ALL WEATHER (AW) UTILITY ROAD SECTION (TYP.)

PROJECT

Tract Map/Conditional Use Permit
Righetti Brothers, LLC SUB2008-00050

EXHIBIT

Tentative Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

PROJECT

Tract Map/Conditional Use Permit
Righetti Brothers, LLC SUB2008-00050

EXHIBIT

Aerial Photograph